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A34802 (066123.0111)  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Qazi et al.  
Serial No. : 09/998,573 Examiner: To Be Assigned  
Filed : November 16, 2001 Group Art Unit: 1645  
For : METHODS AND COMPOSITIONS FOR IN VITRO GERMINATION  
AND PROPAGATION OF POLYGONATUM CIRRHIFOLIUM  
ROYLE

**RESPONSE TO RESTRICTION REQUIREMENT**

CERTIFICATE OF MAILING

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June 19, 2003  
Date of Deposit

Rochelle K. Seide  
Attorney Name

Rochelle K. Seide  
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32,300  
Patent Reg. No.

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Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Sir:

This is paper is submitted in response to the Office Communication dated May 20, 2003 in the above-identified application in which the Examiner issued a restriction requirement. The Examiner has required the selection of one of five groups of claims for prosecution in this application:

**F**

comprising a MS basal culture medium containing 6-benzyl-aminopurine, naphthalene acetic acid, and gibberellic acid.

The steps recited in Claim 1 are directed to germination, leafing and budding of the seedling. These steps are embodied in the claims of Groups III-V. Claims 41-56 (Group III) are directed to methods of in vitro induction of germination of *Polygonatum*. Claims 57-70 (Group IV) are directed to methods of inducing epicotyl dormancy release. Claims 71-84 (Group V) are directed to methods of inducing in vitro release of epicotyl dormancy from differentiated de novo axillary bud. *Polygonatum* exhibits epicotyl dormancy after initial germination. The use of the second and third media disclosed in claim 1 promotes the termination of epicotyl dormancy. Since the claims of Group III-V are encompassed by Group I, Applicants submit that the claims of these Groups are not distinct.

The requirement for a restriction between patentably distinct inventions is proper when: (a) the inventions are independent or distinct and (b) there is a serious burden on the examiner. M.P.E.P. § 803. Both of these requirements must be met for the restriction requirement to be warranted. It is respectfully asserted that the field of search for the methods recited in claims 1-22 would not be different from the field of search for the systems recited in claims 41-84. As such, there would not be a "serious" burden on the Examiner to examine the claims directed to the methods in vitro cultivation and the claims directed to methods of in vitro induction of germination, methods of inducing epicotyl dormancy release, and methods of inducing in vitro release of epicotyl dormancy from differentiated de novo axillary bud.



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In view of the foregoing, Applicants submit that claims 1-22 and 41-84 of this application are not properly subject to a restriction. Therefore, Applicant respectfully requests a withdrawal of the restriction requirement and immediate consideration of claims 1-22 and 41-84.

Applicants believe that there is no fee required with the submission of this paper. However, if such fee is due or overpayment made in connection with this submission, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-4377 of Baker Botts L.L.P. Duplicate copies of this page are attached.

Respectfully submitted,

Rochelle K. Seide  
Patent Office Reg. No. 32,300

Attorneys for Applicants  
(212) 408-2500

Enclosures



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In view of the foregoing, Applicants submit that claims 1-22 and 41-84 of this application are not properly subject to a restriction. Therefore, Applicant respectfully requests a withdrawal of the restriction requirement and immediate consideration of claims 1-22 and 41-84.

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Rochelle K. Seide  
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Attorneys for Applicants  
(212) 408-2500

Enclosures

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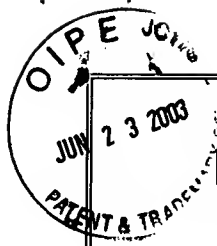
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/998,573
	<b>Filing Date</b>	Nov. 16, 2001
	<b>First Named Inventor</b>	Qazi
	<b>Group Art Unit</b>	1645
	<b>Examiner Name</b>	Para, A.
<b>Total Number of Pages in This Submission</b>	<b>Attorney Docket Number</b>	A34802 066123.0111

<b>ENCLOSURES (check all that apply)</b>		
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<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
<b>Firm or Individual name</b>	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112	
<b>Signature</b>		<b>Att Name:</b> Rochelle K. Seide <b>PTO Reg:</b> 32,300
<b>Date</b>	June 19, 2003	

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<b>Signature</b>		<b>Date</b> June 19, 2003



**BAKER BOTTS** LLP

Attorney Docket Number: A34802 066123.0111

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